

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA**

U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

CASE NO. 3:11-cv-23-RJC

KEITH F. SIMMONS, et al.,

Defendants, and

LAWRENCE SALAZAR, et al.,

Relief Defendants.

**PLAINTIFF COMMODITY FUTURES TRADING COMMISSION'S MOTION
FOR ENTRY OF CONSENT ORDER OF PERMANENT INJUNCTION, CIVIL
MONETARY PENALTY, AND OTHER EQUITABLE RELIEF AGAINST
DEFENDANTS KEITH F. SIMMONS AND BLACK DIAMOND CAPITAL
SOLUTIONS, LLC**

Pursuant to Local Rule 7.1, Plaintiff Commodity Futures Trading Commission ("Commission") hereby respectfully moves the Court to enter the attached Consent Order of Permanent Injunction, Civil Monetary Penalty, and Other Equitable Relief ("Consent Order") against Defendants Keith F. Simmons ("Simmons") and Black Diamond Capital Solutions, LLC ("BDCS").

1. On January 13, 2011, Plaintiff filed a Complaint for Permanent Injunction, Civil Monetary Penalties, and Other Equitable Relief ("Complaint") against, among others, Defendants Simmons and BDCS.

2. On February 11, 2011, the Court issued a Statutory Restraining Order against Simmons and BDCS and on April 4, 2011, the Court issued an Order of Preliminary Injunction and Other Equitable Relief against Simmons and BDCS.

3. Plaintiff and Defendants Simmons and BDCS have reached an agreement wherein Simmons and BDCS have agreed to the entry of the attached Consent Order.

WHEREFORE, the Commission respectfully requests that the Court grant its motion and enter the attached Consent Order.

Respectfully submitted,



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U.S. Commodity Futures Trading Commission

Dated: December 2, 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served on all parties or counsel of record identified below in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing:

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Attorney for Defendants Coats, Genesis Wealth Management, L.L.C., Coats Estate Planning Services, Inc., and Coats Wealth Management, Inc.
[via CM/ECF]
2. Defendants Jonathan Davey, Divine Circulation Services, L.L.C., Divine Stewardship, L.L.C., Safe Harbor Ventures, Inc., Safe Harbor Wealth Investments, Inc., and Safe Harbor Wealth, Inc., and Relief Defendant Sovereign Grace, Inc., *pro se*
[via electronic mail]
3. Jacob H. Sussman
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5. Defendants Keith Simmons, Black Diamond Capital Solutions, LLC, Black Diamond Holdings, LLC, and Relief Defendants Black Diamond Associates, LLC, Eco-Green, LLC, High South Realty, LLC, and The Gallery Group, LLC, *pro se*
[via U.S. Mail]

6. Kurt W. Meyers
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A handwritten signature in black ink, appearing to read 'A. Edelman', is positioned above a horizontal line.

Alan Edelman